C.F. 72.

1925

Department of L. R and Sett

OFFICE Board of Rev

STATION Madras

New **No.** 2578

Dated [illegible] 1925

11-25 Cancelled 10/11

E 1504

E 5107

	Date	Initial.
To whom sent	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on*	

(SUBJECT.)

Records — (Kanara — South) — State ~~Sec~~ Sec. — destruction of — ordered [illegible]

* Not to be filled in in the case of permanent records.

Ref on A 3 - 9156-24. 1/ E 1504

South Kanara Collector's Office,
Camp, Brahmavar, Dated 19-3-25.

From

C.A. Souter, Esquire, I.C.S.,
Collector of South Kanara. A1641

To

The Secretary to the Board,
Land Revenue,
M a d r a s.

Sir,

Documents-Production - Mangalore Taluk - Thota village - S.F.No. 548- Tahsildar's report.

In O.S. No. 182/24 on his file which was a suit ----- between two private parties, the District Munsiff of Mangalore -- summoned me to produce two reports which the Tahsildar of ------- Mangalore submitted in 1913 recommending the acceptance of the warg claim set up by the plaintiff. As the warg claim was not accepted by the Collector these reports were regarded as ------- confidential in as much as, if produced they might later on ---- involve Government litigation. In pursuance of the provisions of section 162 of the Evidence Act, they were, however, sent to the District Munsiff in a sealed cover with a covering letter --- informing him that they were confidential according to the ----- Madras High Court ruling in 39 Madras 304. The District Munsiff has, however, over-ruled the objection and admitted them in ---- evidence. The Government Pleader, Mangalore is of opinion ----- that the Munsiff was wrong in doing so, but when asked to ------ suggest what action the Government should take to set matters --- right, he states that as this is a matter of general importance, the Advocate General may be consulted. He is unable to suggest any procedure. The case certainly involves a point of great ------ importance to Government. I, therefore, request, that the ----- Board may be pleased to consult the law officer in Madras on the question of the steps to be taken by Government to have the Munsiff's decision quashed.

Your obedient servant,

For Collector.

U.S. 20-3-25.

2

Documents - State - production in Civil Courts

E 1504/25 — 2.

Ref to E 1504/25-1 of 22.4.25

The Collector of South Kanara is requested to submit the records mentioned in his letter read above

22/4

22.4.25

24.4.25

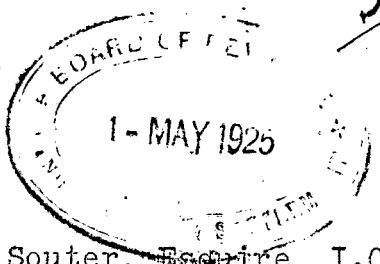
To

The Collr of South Kanara.

3

E 2020

No.E.9156-24.



South Kanara Collector's Office,

Mangalore, 29th April 1925.

From

C. A. Souter, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue, Madras.

Sir,

Documents - state - production in Civil Courts.

Board's Ref.No.E.1504/25-1, dated 23rd April 1925.

******

The documents were produced in Court and have not been returned. The District Munsif has stated that they cannot be returned till the disposal of the suit.

Your obedient servant,

For Collector.

29/4

M.D'S.29/4.

4 & 6341

Ref. on A3-9156-24.

South Kanara Collector's Office,
Mangalore, 27th August 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue,
M a d r a s.

Sir,

Documents - production in Civil courts.

Board's Reference No.E.1504/25-1, dated 23rd April 1925.

******

I request that I may be informed whether the law ------- officers in Madras have been consulted in the matter.

Your obedient servant,

For Collector.

M.D'S.29/8.

P.T.O

5

Documents - State - Production in civil courts.

E 4341 — Q.

ASL(1,13)

Ref E 1504-25-2 dated 3.9.25

In the absence of the documents referred to by the collr. it was not possible to consult the Law officers of Govt.

1.9.25

To the collr. of S. Kanara.

Note

In the circumstances reported by the Collector, nothing can be done without the records

1.9.25

6 E5102

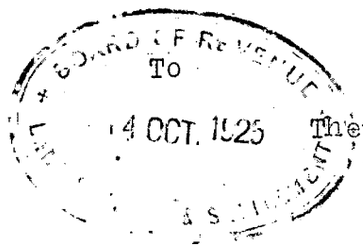
Ref.on A3-8389-25.

South Kanara Collector's Office,
Mangalore, 10th October 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

R.R. 2.n 14.10.2.



To

The Secretary to the Board,
Land Revenue,
M a d r a s.

Sir.

Documents - State - production in Civil Courts -
Board's Ref.No.E.1504-25-2 dated 3rd September 1925.

****

I submit herewith this office disposal file 3789 D/Rev.13 dated 22nd September 1913 containing the reports N.Dis.E.C.No.70/1322 dated 31st May 1913 and N.Dis.C.No.2677 Sup 13 dated 3rd ---- August 1913 of the Tahsildar of Mangalore summoned by the Court. While consulting the Law Officers, I request that legal opinion may also be taken on the general question whether, according to the decision reported in 39 Mad.304, the person to decide whether a report is confidential is not the officer to whom the report is addressed and if so, whether that officer may withhold the ------- document instead of sending it in a sealed cover under protest, as hitherto.

Your obedient servant,

Zeppelin

For Collector.

10/10/25

M.D'S.10-10-25.

RECD
12 OCT 1925

8

A.S.(L.R)

Documents - State : production in Civil Courts

E/504/25

Boards S.O. No 174 para 5 Vol I relates to production of State Documents. In the case under report the Collector of South Kanara claimed protection as the records were of a Confidential nature but the Court overruled his objection and admitted them in evidence. As suggested by the Collector the opinion of the Advocate General may be obtained. But before doing so the Collector may be asked to submit the records mentioned in his letter.

Draft Subd

Dno 22.4.25 — VM 22.4.25

In 23/4

A.S.(L.R) p 2 c [Boards Ref No E 1504/25-I dy 23.4.25 issued to the Collr of S. Kanara]

p.3 c [E 2000/25 from the Collr of S. Kanara] =

In 6/5 — for orders whether the file may lie over till the documents are returned from the Court. The Advocate General may like to see them before offering his opinion

Dno 5.5.25 — VM 5.5.25

In b cF A S(L-R) [E 5102 from the Collr. of S. Kanara]

To A.S.

The Collr. has submitted the record received back from the Court

The collr. requests that the opinion of the Hon'ble the Advocate Genl. may be taken on the question whether the person to decide whether a report is confidential is not the officer to whom the report is addressed and if so whether he can withhold the document instead of ~~sending~~ it under protest.

For orders whether the Hon'ble the Advocate Genl. may be consulted or not.

For orders

23/10.

Please Type the whole thing

24/10

3 12

A file Confidential will not make it so. The real motive should be fear of injury to the public interest.

It is not clear why the Coll and the Local Govt have reopened the matter to the Board. The rules on the subject seem clear. vide B.S.O 175 (5) p 400, B30 Vol I

It is for the Court alone to decide on the admissibility. The file does not relate to affairs of state - no public interest appears to be at stake. The Court had the right to inspect the document and decide in its wisdom whether it has been admitted has decided that it is not privileged. If has been admitted in evidence there the matter may be allowed to rest.

It is absolutely immaterial whether Govt were a party to the Suit or not; in respect of their duty to produce the document.

It is submitted there is no need to consult the Ad-General. The Coll has done his duty by sending the papers in a sealed Cover and under protest. The Court has overruled the objection. It appears as Govt is not a party to the Suit. It is more than doubtful if there is any case for the revisional jurisdiction of the High Court under Sec 115 C.P.C. The law seems sufficiently clear on the point.

p 175 Vol VI Govt Acts

Reuss pm 6.11.25 vide p 11 n1

Secy

Please see para 5 of B.S.O 174. It is stated there that no general rule Could be laid down and that each application should be decided on its merits. It seems unfair to draw the Collrs attention to this rule. There seems nothing Confidential in the papers referred to by the Collr. The Govts reply is not of much evidentiary value & it seems

seems undesirable to make Mr Churchill's

for
14/11

MB - I think it is unnecessary to refer to the Adv General. The document does not refer to an affair of State & cannot therefore be withheld. Immunity may be claimed but the Court may overrule this.

The Office should not have kept this pending. There was no need really for the original records & as soon as it appeared that delay was to occur waiting for them the paper should have been put up for orders

— Q Secret

hfs 14/11

MB 17.11

Pl. draft
hfs
17/11/15
A.S (4. RJ

To A.S.

Draft submitted.

for
hfs

MB
18.11